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February 27, 2004

OFFICE OF PETITIONS

PETITION FOR ACCESS

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

For 10/667,201

Dear Sir,

Pursuant to 37 CFR §1.14(j), Petitioner, Christopher Alan Weinberg, respectfully requests access to the non-provisional application (NPA) filed by applicant Mr. Van Brown claiming the benefit of provisional patent application 60/410,098 filed on September 12, 2002, naming Mr. Van Brown and Petitioner as co-inventors.

Furthermore, Petitioner requests that with the granting of access, Petitioner may ascertain the serial number, and especially the stated inventor(s) and may order a copy of the non-provisional application's specification including claims, Petitioner requests access to this non-provisional application as a co-owner of the subject matter contained therein as it is a functional continuation of the above-cited provisional patent application wherein Petitioner is co-inventor and co-owner and Petitioner and applicant Van Brown were partners in developing and seeking patent protection for the subject matter contained therein.

Rule 37 CFR 1.14(j) requires (1) a fee set forth in 1.17(h), and (2) a showing that access to the application is necessary to carry out an Act of Congress or special circumstances exist which warrant Petitioner Weinberg being granted access to all or part of the application. With the mailing of this petition, Petitioner Weinberg has paid the fee set forth in 1.17(h). Petitioner Weinberg requires access in order to assess the degree to

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which the nonprovisional applicant in question has described and claimed the invention in its several embodiments and has represented the proper inventor(s).

Petitioner has submitted herewith a declaration of facts under 37 CFR Section 1.132.

Petitioner respectfully asserts that Petitioner has a right to information regarding the above-referenced NPA because he, at the least, is an *owner* of the subject matter both disclosed and claimed in the NPA.

Petitioner respectfully asserts that Petitioner and Mr. Van Brown jointly own the intellectual property that was derived from their joint venture to develop meat/pork skin products for animals.

Petitioner respectfully asserts that the intellectual property, including the patentable subject matter disclosed in the Brown NPA, was generated within the auspices of a joint venture and is therefore owned by Petitioner and Mr. Brown equally by way of the joint venture.

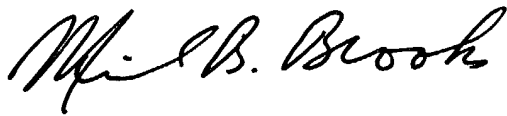
Petitioner respectfully asserts that the Petitioner's interest in the property is further evidenced by the confidentiality agreements presented by Petitioner and Mr. Brown to Chinese consultants in August 2002 and January 2003. See enclosed declaration under 37 CFR Section 1.132 and appendix. Even if Petitioner is not an inventor according the nonprovisional as claimed, a contractual basis for ownership is controlling in the face of patent ownership based on inventorship alone.

Petitioner respectfully submits that in view of the fact that Petitioner is an owner of a partial interest in the NPA and any subsequent patent(s) that may issue, Petitioner be granted his right to review the NPA and prosecution history.

Conclusion

Petitioner respectfully requests, as a joint owner of the subject matter, access to Van Brown's non-provisional application. Petitioner requests the opportunity to view and otherwise ascertain the application's serial number, claims, named inventor(s), and specification. Petitioner's request for access to the Brown's non-provisional application is in good faith and under special circumstances. Petitioner's request for access should be granted because it will ensure the correct inventors have been joined. It is for these reasons and those stated above, that the petition for access should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael B. Brooks". The signature is fluid and cursive, with the first name "Michael" written in a larger, more prominent script than the last name "Brooks".

Michael B. Brooks, PhD(*Engr.*), PE(*EE*)
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Enclosures: Declaration & Appendix